September 17, 1999

Remembering John Dickinson on Constitution Day

Today is Constitution Day: The Constitution of the United States was signed 212 years ago today. Of the 39 patriots who put their names to the Constitution on that Monday afternoon in Philadelphia, none is more remarkable than John Dickinson of Delaware . . . who wasn't there.

Dickinson was born in Maryland, but his family moved to Delaware while John was still a boy. He was first educated privately and then apprenticed to a lawyer, after which he spent four years studying law at London's venerable Inns of Court. When he returned to the colonies, he quickly became prominent in the Philadelphia bar.

The people of Pennsylvania and the people of Delaware (who, before the Revolution, had shared a royal governor) repeatedly elected and appointed Dickinson to positions of public trust, both before the Revolution and after. **John Dickinson is the only American Founder to have played an important role in every crucial controversy of the colonial era.**

The Young Assemblyman. In 1759, the 27-year-old Dickinson was elected to the Delaware Assembly. (The family home was in Kent County, Delaware, although Dickinson himself resided in Philadelphia). The following year he was chosen speaker. Dickinson was not returned for a third year but was replaced by his neighbor, Caesar Rodney (whose dash to Philadelphia in 1776 to vote for independence was recently commemorated on the "Delaware quarter").

In 1762, Dickinson won a seat in the Pennsylvania Assembly in a special election and then was re-elected in the regular election. The 30-year-old Dickinson was elated. "I confess I should like to make an immense bustle in the world if it could be by virtuous actions," he wrote to a friend, "but as there is no probability of that, I am content if I can live innocent and beloved by those I love."[1] Dickinson's view of the world was too cynical, for he did indeed make an "immense bustle" all the while maintaining his integrity.

Politics in Pennsylvania. Pennsylvania politics was raucous. After an exchange of charges and countercharges between Dickinson and another member of the Assembly, the two legislators came to blows outside the Assembly House. The other member grabbed for Dickinson's prominent nose and then struck at him with his cane. Dickinson warded off the blow and gave his attacker a 'fair knock on the head' with his own stick. Blows were exchanged for about two minutes before they were separated.[2] About a month later, elections were held:

"The polls opened at about 9 o'clock in the morning. The steps leading up to the polling place in Philadelphia were filled with columns of voters that moved slowly until close to midnight. About three o'clock the next morning those favoring [Dickinson's] New Ticket proposed closing, but the Old Ticket advocates, having a 'reserve of the aged and lame' brought up in chairs and litters, protested, and 200 were voted between 3 and 6 o'clock [in the morning]. Watchers favoring the New Ticket by midmorning had rounded up additional supporters. Not until the next day were upwards of 3,900 votes tallied."[3]

A Larger Stage. Dickinson had won the election of 1764, but he lost the political war, and the next year he decided not to run for re-election. Nevertheless, Dickinson's political life was just beginning — and even during those 12 months he stepped onto a larger stage as he was appointed to attend the Stamp Act Congress (meeting in New York) where he made important contributions to the resolutions of that Congress and met some of the leading characters from other American colonies.

The "Pennsylvania Farmer". Dickinson's fame and influence was based in part on his writing. In 1767 and 1768, he continued his pamphleteering and wrote twelve letters that have come to be known as *Letters From a Farmer in Pennsylvania.* These were first published in the newspaper and then reprinted as pamphlets, and they were highly influential. Dickinson's authorship was suspected, but the *Letters* were published anonymously (and simply signed "Farmer"). Until Tom Paine's *Common Sense* was published in 1776, the *Farmer's Letters* were probably the most widely-read and influential publications in America, and when Dickinson's authorship became known he became famous — second, perhaps, only to Franklin.

The Declarations for the Continental Congress. In 1770, Dickinson was returned to the Pennsylvania Assembly, and in 1774 he was appointed to the Continental Congress where he penned the *Declaration and Resolves of the First Continental Congress* and the *Declaration of the Causes of Taking Up Arms.*

Abstaining from the Declaration of Independence. When the Second Continental Congress adopted the Declaration of Independence, Dickinson was present but he did not vote for it (he abstained); he did make "the best speech of his life against it."[4] Dickinson thought Jefferson's language was too vehement, and he believed a break with Great Britain was premature, "when we are in so wretched a state of preparation."[5] He had already risked his own life and fortune in the cause of American liberty, but he did not think the Colonies were prepared to break with Britain and risk the lives and fortunes of all their people. Independence was, he thought, like braving "the storm in a skiff made of paper."[6] Dickinson knew, however, that his position was opposed by a strong spirit of liberty and that his political career might be at an end:

"I tremble under the oppressive Honor of sharing in [this] Determination. I feel Myself unequal to the Burthen assigned Me. I believe, I had almost said, I rejoice, that the Time is approaching when I shall be relieved of its Weight. . . . My Conduct, this Day, I expect will give the finishing Blow to my once too great . . . [but now] too diminished Popularity."[7]

Dickinson at War. John Dickinson had refused to vote for the Declaration of Independence, but within hours of its adoption Colonel John Dickinson led a company of Philadelphia militiamen on a march into New Jersey to answer that State's urgent call for military assistance. Off the coast, 113 British transports had just set anchor. To repay Dickinson's efforts, in December of 1776 the British burned his home in Philadelphia.[8] Later in the war Dickinson resigned his colonelcy and returned to the family estate in Delaware, but when Delaware was invaded by the British he enlisted as a private.

The Articles of Confederation. Dickinson's failure to sign the Declaration and his conduct during the War provided fodder to his opponents, but Dickinson's popularity continued. He was returned to the Continental Congress where he wrote the first draft of the Articles of Confederation which he then signed (for Delaware).

President of Delaware and of Pennsylvania. In 1781 he was elected President of Delaware's Supreme Executive Council, and in 1782-1785 he served as President of Pennsylvania. For two months, Dickinson was President of both Delaware and Pennsylvania.[9] After his terms of service in Pennsylvania, he moved back to Wilmington.

Chairman of Annapolis Convention. When the defects of the Articles of Confederation became clear, John Dickinson chaired the Annapolis Convention of 1786 which was called to consider questions of interstate commerce and which proved to be the precursor to the Constitutional Convention.

Dickinson at the Constitutional Convention. In the spring of 1787, Dickinson led Delaware's delegation to the Constitutional Convention in Philadelphia. His "role in the Philadelphia debates was less than his stature would have led his contemporaries to expect, and more than subsequent scholarship has been willing to allow."[10]

Dickinson did take an active role in the Convention (he was the first delegate to suggest that the 13 States have equal representation in one branch of a legislature[11]), but his work was circumscribed somewhat by poor health.

He left Philadelphia two days before the signing because of "indisposition and some particular circumstances" that "required him to return home," and he asked George Read to sign for him if the document was to be signed.[12] Hence, when the Constitution was signed on September 17, 1787, John Dickinson's name was subscribed in the handwriting of George Read.

Dickinson as Fabius. To help secure ratification of the Constitution by the States, he wrote *The Letters of Fabius*, a series of nine letters that explained and defended the work of the Convention. *The Letters* were written anonymously and may be compared with *The Federalist* (written by Madison, Hamilton, and Jay), but *The Letters* are shorter, less philosophical, and more direct. When George Washington was given a partial set of the letters, he praised the writer:

> "The writer of those pieces, signed Fabius, whoever he is, appears to be master of his subject; he treats it with dignity, and at the same time expresses himself in

such manner as to render it intelligible to every capacity. I have no doubt but that an extensive republication of those numbers would be of utility in removing the impressions which have been made upon the Minds of many by an unfair or partial representation of the proposed constitution, and would afford desirable information upon the subject to those who sought for it."[13]

John Dickinson never held an office under the United States, declining numerous entreaties. He did, however, help Delaware to become the first State to ratify the new Constitution and win the title, "the First State". Dickinson continued in public service in Delaware for nearly another decade and chaired the convention that wrote the Delaware Constitution. He proposed that public servants be "wisely and liberally" paid to attract persons of "genius, knowledge and personal respectability" to public office.[14]

The Death of "the Penman". John Dickinson, the "Penman of the Revolution," died at home on February 14, 1808. When word of his death reached the new Federal City on the banks of the Potomac, both the Senate and the House unanimously agreed to wear black armbands in memory of the great man.

Dickinson's Legacy. Dickinson's most recent biographer, Milton E. Flower, summed up John Dickinson's life in these words:

> "Historians have labeled John Dickinson cautious and conservative. Cautious he was, in part too bound by his great dependence on lessons gained from both English and world history. To certain aspects of history he seemed blind, perhaps as a result of a temperamental revulsion to mass violence. His caution alone caused him to be called conservative. But his devotion to the rule of law and to the principles of liberty linked him to the radicals in the early days of the Revolution. Dickinson never changed his principles. A man of great moral courage, he refused to bow to popular clamor and support independence. A conservative stance which seeks to withstand the ongoing currents of a dynamic world cannot, inherently, be a popular one. It tends to obstruct and frustrate. Thus the defender earns calumny from the impatient. Such was the case with Dickinson in Pennsylvania at the time of independence, a fate reversed, however, once his moderation again proved desirable. His life thus is not that of the more familiar Founding Fathers, but of a man no less devoted to his country and important in its history."[15]

Today marks the 212th anniversary of the signing of the Constitution, the day when John Dickinson's name was put to the Constitution of the United States to culminate a lifetime of service to liberty, law, and his native land.

Written by Lincoln Oliphant, 224-2946

Endnotes
["Remembering John Dickinson on Constitution Day"]

1. Milton E. Flower, **John Dickinson: Conservative Revolutionary** at 30 (Univ. Press of Virginia, 1983) [hereinafter, "Flower"].

2. Flower at 42.

3. Flower at 44-45.

4. M.E. Bradford, **A Worthy Company: Brief Lives of the Framers of the United States Constitution** at 105 (Plymouth Rock Foundation, 1982) [hereinafter, "Bradford"].

5. Flower at 164.

6. Flower at 162.

7. *Id.*

8. Bradford at 104.

9. Flower at 211.

10. Bradford at 105.

11. Max Farrand, **The Records of the Federal Convention of 1787** at vol. I, p. 87 (Yale Univ. Press, 1937 rev. ed.) [hereinafter, "Farrand"). Dickinson's recommendation was made on June 2, 1787.

12. Farrand at vol. III, p. 81 (reprinting Dickinson's letter to Read).

13. Gregory S. Ahern, "The Spirit of American Constitutionalism: John Dickinson's *Fabius Letters*, XI Humanitas at --, at n. 4. "Dickinson's choice of pseudonym sets the tone for his letters. For, as Forrest McDonald has pointed out, Quintus Fabius Maximus was the Roman general who saved the republic through caution, prudence, patience, and persistence." Id. at n. 5.

14. Flower at 261.

15. Flower at ix.